

Thursday, June 15, 2006

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## The Broadcast Decency Enforcement Act (S. 193)

### ■ TODAY'S PRESIDENTIAL ACTION

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- Today, President Bush signed into law S. 193, The Broadcast Decency Enforcement Act. Today's Presidential action is the result of a multi-year effort by several Members of Congress to provide realistic enforcement of our nation's broadcast decency laws.
- The bill passed in the Senate by unanimous consent on May 18. The House passed the same bill with an overwhelming bipartisan vote of 379-35 on June 7. Today's Presidential action will officially enact the bill into law.
- S. 193 provides real enforcement of broadcast decency standards. Current fines levied against broadcasters by the Federal Communications Commission (FCC) are limited to \$32,500 per violation. The Broadcast Decency Enforcement Act increases those fines to \$325,000 per violation, with a maximum fine of \$3 million for multiple violations.

### ■ ADDRESSING FREE SPEECH CONCERNS

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- Some have opposed this bill on the grounds that it violates the right to free speech. This is simply not true. S. 193 only deals with the penalties involved for violating existing decency standards. It does not change the definition of indecent material, or how the fines are assessed. It also does not grant the FCC new powers to revoke licenses from broadcasters who air offensive content.
- This bill updates indecency fines to make them meaningful. To multi-million dollar media conglomerates, a \$32,500 fine amounts to little more than a slap on the wrist, and therefore, very little incentive to abide by the law.

**Background  
Information**  
from  
**Congressman  
Joe Pitts**



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## ■ WHY IT IS NEEDED: THE RECORD OF ABUSE

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- The effort to address broadcast indecency is often connected with Janet Jackson's infamous "wardrobe malfunction" during halftime of Super Bowl XXXVIII in 2004. While this helped bring attention to the issue, it was not a stand-alone incident. There are numerous other examples, both before the Janet Jackson incident and since. The following are some examples:
  - In August 2002, the radio show "Opie & Anthony" aired a segment in which a couple was purported to be having sex inside of St. Patrick's cathedral in New York. (Source: Chicago Tribune - <http://www.chicagotribune.com/news/nationworld/chi-0606080120jun08,1,16053.story?coll=chi-newsnationworld-hed>)
  - In 2003, a member of the rock band U2 uttered the "f-word" during a live award show aired by NBC. (Source: Chicago Tribune - <http://www.chicagotribune.com/news/nationworld/chi-0606080120jun08,1,16053.story?coll=chi-newsnationworld-hed>)
  - In September, 2004, just seven months after the Janet Jackson Super Bowl incident, CBS allowed the "f-word" to be aired on its "Big Brother 5" program. The show aired during primetime. (Source: Parents Television Council - <http://www.parentstv.org/PTC/fcc/main.asp>)
  - In July, 2005, ABC aired the "f-word" during its primetime broadcast of the worldwide Live 8 concerts, despite having a built-in tape delay during the broadcast. (Source: Parents Television Council - <http://www.parentstv.org/PTC/fcc/main.asp>)
  - In November 2003, CBS aired an episode of its program "Without a Trace" that included depictions of group sex among teenagers. (Source: Parents Television Council - <http://www.parentstv.org/PTC/fcc/main.asp>)
  - In April 2004, Clear Channel was fined by the FCC for airing indecent sexual content from Stern's radio show. Stern's multiple violations resulted in a sizable fine, ultimately causing Clear Channel to drop Stern's show from its stations. (Source: CBS News - <http://www.cbsnews.com/stories/2004/04/09/entertainment/main611220.shtml>)

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